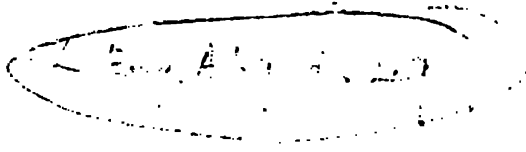


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P. 2

In usum **CANCELLED**
Magistri UNIV. COLL.
OXON.
Coll. Magn. Aul. Univ.
in Acad. Oxon.
ex Testamento
Joannis Browne, S. T. P.
olim Magistri
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L L.

1516



THE

Statutes at Large,

From the First Year of K. RICHARD III.

TO

The 31st Year of K. HENRY VIII. inclusive.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

THE
Statutes at Large,

FROM THE
First Year of King RICHARD III.

TO THE
Thirty-first Year of King HENRY VIII. inclusive.

To which is prefixed,
A TABLE containing the TITLES of all the STATUTES
during that Period.

V O L. IV.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

CAMBRIDGE,
Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
for CHARLES BATHURST, at the Crofs-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1763.

CUM PRIVILEGIO.



The penalty
for transport-
ing offenders
into or forth
of Wales at
unlawful
times.

upon *Severn* aforeſaid, from henceforth do not convey, neither carry with any manner barge, boat or other veſſel, any perſon or perſons with horſes, mares, oxen, kine or any other cattle, nor no other perſon or perſons, before the time of the ſun riſing in the morning, and after the time of the ſun being gone down at night, (5) upon pain of imprisonment and fine to be ſet on him that ſhall ſo convey or carry over any of the ſaid paſſages over the ſaid river of *Severn* out of *England* into *Wales* or the foreſt of *Dean*, or out of *Wales*, or the ſaid foreſt of *Dean*, into *England*, unleſs the ſaid paſſengers and every of them, have good knowledge of ſuch perſon and perſons and of their dwelling-places ; (6) and upon requeſt to them made by any perſon or perſons, to diſcloſe the name and the dwelling-place of every ſuch perſon or perſons ſo by them conveyed over the ſaid water, to any ſuch perſon or perſons requiring the ſame, if ſuit be made for and after them upon any outcry, huy or freſh ſuit, of or for any felony, robbery, murder and manſlaughter, committed and done from henceforth.

Keepers of
ferries ſhall be
bound to
transport no
offenders at
unlawful
times.

II. And that the King's juſtices of the peace within every of the ſaid counties of *Gloceſter* and *Somerſet*, at their quarter-ſeſſions, ſhall have full power and authority to call before them all ſuch perſons which hereafter ſhall keep any of the ſaid paſſages, or any other ferry or paſſage over the ſaid water into *Wales* or the ſaid foreſt, or out of *Wales* or the ſaid foreſt into *England*, and to bind them with ſufficient ſureties with them in recognizance in ſuch ſums of money as it ſhall ſeem to the diſcretion of the ſaid juſtices of peace, that they and every of them, being paſſengers and keepers of ferries and paſſages as is aforeſaid, from henceforth ſhall not, after the ſaid times before limited and appointed, convey or carry, or cauſe to be conveyed or carried, any manner of perſon or perſons or any kind of cattle, but ſuch perſons as they do know and will answer for, and know where their abidings, dwellings and habitations be, and upon requeſt made to them, or any of them, as is aforeſaid, ſhall from time to time diſcloſe, as well the ſame perſon or perſons, as the goods and chattels ſo paſſing the ſaid paſſages, upon freſh ſuit made or hereafter to be made upon any felony, murder or robbery committed and done in the borders of the counties aforeſaid, or in any other place within this realm or *South-Wales*.

CAP. VI.

The bill concerning councils in Wales.

Murders, felo-
nies, &c. in
Wales to be
inquired of in
the threes next
adjoining, &c.
Cro. Car. 331.
Mod. caſes in
law 136.
The long per-
ſeverance in
wickedneſs of

FORASMUCH as the people of *Wales* and marches of the ſame, not dreading the good and whoſom laws and ſtatutes of this realm, have of long time continued and perſeversed in perpetration and commiſſion of divers and manifold theſts, murders, rebellions, wilful burnings of houſes and other ſcelerous deeds and abominable malefaſts, to the high diſpleaſure of God, inquietation of the King's well-diſpoſed ſubjects, and diſturbance of the publick weal, which malefaſts and ſcelerous deeds be ſo rooted and fixed in the ſame people, that they be not like to ceaſe, unleſs ſome ſharp correction and puniſhment for redreſs and ampu-
tion

1534.]

Anno viceſimo ſexto HENRICI VIII.

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tion of the premiſſes be provided; according to the demerits of the offenders : (2) be it therefore enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this parliament aſſembled, and by authority of the ſame, That all and ſingular perſon and perſons dwelling or reſiant within *Wales*, or in the lordſhips marchers of the ſame, from time to time, and at all times hereafter, upon ſuch monition or warning given for the court to be kept in *Wales*, or in any of the lordſhips marchers aforeſaid, as before this time hath been uſed, ſhall perſonally repair, reſort and appear before the juſtice, ſteward, lieutenant or other officer, at all and every ſeſſions, court and courts, to be holden before the ſame juſtice, ſteward or other officer, in any whatſoever caſtle, fortrefſ or other place within *Wales*, or within the precincts, limits and juriſdictions of every the lordſhips marchers or ſeigniories aforeſaid, or the marches of the ſame, as by the ſaid juſtice, ſteward or other officer ſhall be appointed ; (3) and then and there ſhall give his or their perſonal attendance, to do, execute and accompliſh all and every thing and things which to him or them ſhall aſſere and appertain, upon pain of ſuch fines, forfeitures and amer- ciaments as ſhall be aſſered, aſſeſſed and taxed by the juſtice, ſteward or other officer, to the King's uſe, if it be within any of the King's lordſhip's marchers ; (4) and if it be within any other lordſhips marchers, then to the uſe of the lord of the ſaid lordſhip marcher for the time being ; (5) the ſaid forfeitures and amer- ciaments to be levied, perceived and taken by way of diſtreſs of the goods and chattels of every perſon not appearing at the ſaid court or courts, or not doing, executing or accom- pliſhing his duty as is aforeſaid.

ſome lewd people in *Wales*, and the marches thereof. All perſons ſhall appear, upon lawful ſum- mons given, before the ju- ſtices in the courts in *Wales*.

II. *And forasmuch as the officers in the lordſhips marchers in Wales have often and ſundry times heretofore unlawfully exacted of the King's ſubjects within ſuch lordſhips where they have had rule or authority, by many and ſundry ways and means, and alſo committed them to ſtrait dureſs and imprisonment for ſmall and light feigned cauſes, and extortiouſly compelled them thereby to pay unto them fines for their redemptions, contrary to the law :* (2) therefore be it further enacted, That if any ſteward, lieutenant or any other officer of any lordſhip marcher, do feign, procure or imagine any untrue ſurmife againſt any perſon or perſons that ſhall ſo give their perſonal attendance before them at ſuch court or courts, and upon the ſame untrue ſurmife commit them to any dureſs or imprisonment, contrary to the law, or contrary to the true and laudable cuſtom of that lordſhip, that then upon ſuit made unto the King's commiſſioners, or council of the marches for the time being, by any ſuch perſon or perſons ſo imprisoned, or by any of their friends, that then the ſame commiſſioners or council ſhall have full power and authority to ſend for ſuch ſteward, lieutenant or officer, and alſo for the perſon or perſons ſo im- priſoned ; (3) and if the ſame perſon or perſons ſo imprisoned, can evidently prove before the ſaid council, by good and ſub- ſtantial witneſs or otherwiſe, that his imprisonment was upon any feigned ſurmife, without cauſe reaſonable or lawful, that

Wrongs done by officers in lordſhips marchers.

Untrue ſur- miſes feigned againſt them which appear, to imprifon them.

then the same commissioners shall have full power and authority to assess the said officer, to pay to the said person or persons wrongfully imprisoned, vi. s. viij. d. for every day of their imprisonment or more, by the discretions of the said commissioners, according to the hurts and behaviour of the person or persons imprisoned.

The party's
remedy a-
gainst the offi-
cer which doth
imprison him
upon feigned
surmises.

III. And that the same commissioners shall set further fine upon the said officer, to be paid to the King's use, as by their discretions shall be thought convenient; (2) and in case the same officer do refuse to appear before the same commissioners incontinent after any commandment to them directed and delivered after any such complaint made to the same commissioners, that then the same commissioners shall have full power and authority, upon every default made by any officer or officers, to assess and set upon every such officer or officers making default, such fine or fines to be levied to the King's use, as by their discretions shall be thought convenient; (3) and that the same commissioners shall have full power and authority to compel the said officer or officers by way of imprisonment, as well to pay such fines as shall be set and taxed upon them to the King's use, as to pay unto every person or persons so imprisoned, such sums of money as they shall be sessed to pay for their wrong imprisonment.

No weapon
shall be
brought to
courts, fairs or
churches in
Wales.
4 H. 4. c. 27 &
29.

IV. And be it also enacted by authority aforesaid, That no person or persons dwelling or resident within *Wales* or the lordships marchers of the same, of what estate, degree or condition soever he or they be of, coming, resorting or repairing unto any sessions or court to be holden within *Wales*, or any lordships marchers of the same, shall bring or bear, or cause to be brought or borne to the same sessions or court, or to any place within the distance of two miles from the same sessions or court, nor to any town, church, fair, market or other congregation, except it be upon a hute or outcry made of any felony or robbery done or perpetrated, nor in the highways, in affray of the King's peace, or the King's liege people, any bill, long-bow, cross-bow, hand-gun, sword, staff, dagger, halbert, morespike, spear or any other manner of weapon, privy coat or armour defensive, (2) upon pain of forfeiture of the same weapon, privy coat or armour, and to suffer imprisonment and make fine and ransom to the King's highness by the discretion of the King's commissioners of his marches for the time being, except it be by the commandment, licence or assent of the said justices, steward or other officer, or of the commissioners or council of the marches for the time being.

None shall le-
vy any exac-
tions, or com-
morths, or
collections, or
make games
in *Wales*.

V. And that no person or persons from henceforth, without licence of the said commissioners in writing, shall within *Wales*, or the marches of the same, or in any shires adjoining to the same, require, procure, gather or levy any commorth, bydale, tenants ale, or other collection or exaction of goods, chattels, money, or any other thing, under colour of marrying, or suffering of their children saying or singing their first masses or gospels,

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pels, of any prieſts or clerks, or for redemption of any murder, or any other felony, or for any other manner of cauſe, by what name or names ſoever they ſhall be called; (2) nor ſhall make or procure to be made any games of running, wreſtling, leaping, or any other games, (the game of ſhooting only excepted and forepriſed,) (3) upon pain of one whole year's imprisonment of every perſon or perſons as ſhall gather, or procure to be gathered, any ſuch collection or exaction, or ſhall make or procure to be made any games as is aforeſaid; (4) and further, they and every of them ſhall make ſuch fine as by the diſcretion of the King's commiſſioners of his marches ſhall be thought convenient: (5) and further, the ſaid commiſſioners by this preſent act ſhall have power and authority to hear and determine the ſaid offences by their examination; (6) and that no perſon or perſons ſhall hereafter at any time caſt any thing into any court within *Wales*, or in the lordſhips marchers of the ſame, by the mean or name of an arthel, by reaſon whereof the court may be letted, diſturbed or diſcontinued for that time, upon pain of one whole year's imprisonment of any ſuch perſon or perſons as ſhall caſt or cauſe to be caſt any ſuch arthel into any court or courts hereafter to be holden within *Wales* or the lordſhips marchers of the ſame; any cuſtom before this time uſed to the contrary notwithstanding.

No arthel ſhall be caſt into any court.

VI. And that all ſeſſions and courts hereafter to be holden within *Wales*, or the lordſhips marchers of the ſame, ſhall be kept within the moſt ſure and peaceable place within the ſame lordſhip marcher, where the ſaid juſtice, ſteward, or other officer ſhall appoint; (2) and for the puniſhment and ſpeedy trials, as well of the counterfeiter of any coin current within this realm, waſhing, clipping or miniſhing of the ſame, as of all and ſingular felonies, murders, wilful burning of houſes, manſlaughters, robberies, burglaries, rapes and acceſſaries of the ſame, and other offences feloniously done, perpetrated and committed, or hereafter to be done, perpetrated and committed, within any lordſhip marcher of *Wales*: (3) be it enacted by the authority aforeſaid, That the juſtices of the gaol-delivery, and of the peace, and every of them for the time being, in the ſhire or ſhires of *England* where the King's writ runneth, next adjoining to the ſame lordſhip, marcher, or other places in *Wales*, where ſuch counterfeiting, waſhing, clipping or miniſhing of any coin current within this realm, or murder hath been, or hereafter ſhall be committed or done, or where any other felonies or acceſſaries ſhall be hereafter committed, perpetrated or done, ſhall have from henceforth full power and authority at their ſeſſions and gaol-delivery, to enquire by verdict of twelve men of the ſame ſhire or ſhires next adjoining within *England*, where the King's writ runneth, there to cauſe all ſuch counterfeiter, waſhers, clippers of money, felons, murderers and acceſſaries to the ſame, to be indicted according to the laws of this land, in like manner and form as if the ſame petit treaſons, murders, felonies and acceſſaries to the ſame had been done, committed or perpetrated within any of the ſaid ſhires within

All courts ſhall be kept within moſt ſure places.

Indictment in the next county for a felony committed within any lordſhip marcher.

27 H. 8. c. 16.

34 & 35 H. 8.

c. 16.

Rex v. Athoe,

Trin. 9 Geo. 1.

in B.R.

within the said realm, and also to hear, determine and judge the same, according to the laws of this realm.

Acquittal in lordships marchers no bar.

VII. And that all foreign pleas pleaded by any of the said malefactors and offenders, shall be tried and determined in the said shire or shires; (2) and that the acquittal or fine making for any of the causes afore said in any of the lordships marchers, shall be no bar for any person or persons, being indicted in the said shire or shires, within two years next after any such murder or felony done.

Justices may award process unto lordships marchers.

VIII. And further it is enacted, That the said justices of peace and gaol-delivery, and every of them, shall have full power and authority to award all manner of process as well of

A certificate of an outlawry to a lordship marcher, &c.

outlawry as otherwise, against all and every such offender and offenders so indicted in manner and form, and according to the customs and laws used and accustomed within this realm of *England*; (2) and that the said justices or two of them, afore whom any such offender shall happen to be outlawed, or attainted by outlagary, shall immediately upon the same outlagary or attainder, direct and send unto the King's officers of his lordships marchers or to their deputies, or unto the lord or lords marchers of the same lordship marcher or to his or their officer or officers or to their deputies, wherein such offence, murder or felony shall happen to be done, or where any such offender, murderer or felon shall happen to be resiant, a certificate under the seals of them or two of them, of any such outlagary or attainder; (3) commanding them and every of them by the same, under pain of forfeiture of a hundred pounds to the King, to be levied and perceived as well of the goods, chattels, lands and tenements of the same lord or lords marchers, as of the goods and chattels, lands and tenements of the King's officer there to apprehend and attach, or cause to be apprehended and attached, the body or bodies of the same offender or offenders so outlawed or attainted, and safely to keep, or cause to be kept, the same offender or offenders, till such convenient time before the next sessions of the King's justices of the gaol-delivery of the shire where such offender or offenders shall happen to be outlawed or attainted, as to the King's officers of his lordships marchers, or to their deputies, or unto the lord marcher or lords marchers of the same lordship marcher, or his or their officer or officers, or their deputies, where such offender or offenders shall be apprehended, attached, detained and kept, shall be thought expedient for the conveyance and conducting of the same offender or offenders, (4) in manner and form following, to be delivered from the King's officers or their deputies, or the lord marcher or the lords marchers, or his or their officer or officers, to other persons assigned by this act to receive and convey such offender or offenders, by indenture to be made between the deliverer or deliverers, and the receiver or receivers, that is to say, that the King's officers of his lordship marcher, or their deputies, or the lord or lords marchers of the lordship marcher, or his or their officer

By what means an offender shall be conveyed from one lordship marcher to another.

or

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or officers, or their deputies, where such offender or offenders shall be apprehended, attached, detained and kept, shall safely and surely conduct and convey, or cause to be conducted and conveyed, the same offender or offenders, to the next lordship marcher toward the shire where the same offender or offenders shall happen to be outlawed or attainted; (5) and that the King's officers of the same lordship marcher, or their deputies, or the lord or lords marchers of the same lordship marcher, or his or their officer or officers, or their deputies, shall receive, and safely and surely conduct and convey the same offender or offenders to the next lordship marcher; (6) and so the King's officers of every lordship marcher, or their deputies, or the lord or lords marchers of the same lordship, or his or their officer or officers, or their deputies, to receive, conduct and convey safely and surely, every such offender or offenders from one lordship marcher to another lordship marcher, by indenture, as is aforesaid, unto the time that such offender or offenders shall be safely delivered before the said justices of the gaol-delivery; (7) upon pain of forfeiture by every of the King's officer or lord marcher, by whose default the same offender or offenders shall ne may not appear before the same justices at their said sessions, there to stand and abide the order of the King's laws, C. li. to be levied and perceived of the goods and chattels, lands and tenements of the same officer or lord, to the King's use.

IX. And that all and every officer and officers, lord and lords, or other persons to whom any certificate shall be directed as is abovesaid, shall at the next sessions and gaol-delivery to be holden after the apprehension or attachment of such offender or offenders, return the same certificate in due form, and what he or they have done in that behalf, upon the pain aforesaid; (2) saving alway to all and every offender and offenders, all and singular traverses, challenges, exceptions, advantages, and all other pleas, to, of, and upon the outlawry pronounced or promulged against the same offender or offenders, in manner and form as is and hath been used and accustomed by the laws of this realm for any the King's subjects dwelling within the same realm.

The officer shall return his precept.

All advantages saved to the offenders.

X. Provided always, and be it enacted by the authority aforesaid, That if any person or persons which shall happen hereafter to be indicted, outlawed, arraigned, convicted or attainted by force of this act, do find such sufficient sureties before the King's justices of the gaol-delivery as by their discretions shall be thought convenient, that the same person or persons shall not from thenceforth commit nor do any felony, murder or felonious offence, nor be accessory to any felony, murder or felonious offence, but at all times from thenceforth shall be of good behaviour against the King our sovereign lord, his heirs and successors, his and their laws and subjects, that then the same justices of gaol-delivery for the time being, with and by the assent, consent and agreement of the lord president, and

An offender attainted of any felony, upon surety found of his good behaviour, may be discharged. See 34 & 35 H. 8. c. 26. f. 100.

and two of the King's commissioners, or council of the marches for the time being, or three of them at the least, whereof the lord president, or one of the said council, to be one, shall and may by their discretions, for one time only, admit any such offender to a certain fine or sum of money on him by them to be assessed and taxed, to be surely paid to the King's use; (2) and shall have full power and authority, by this present act, to discharge any such offender or offenders, so arraigned, outlawed, convicted and attainted of all and every such felony, murder or felonious offence and accessaries of the same, and of all executions and punishments of death, which the same offender or offenders should suffer by the common laws of this realm, so that the same offender or offenders stand not appealed of the said felony, murder or felonious offence, or as accessaries of the same offences, at the time of his said discharge; (3) and that every such offender so discharged, as is abovesaid, shall be for the said offence or offences done within any of the King's lordships marchers, or any other lordships marchers, discharged as well against the King's highness, his heirs and successors, as against all other lords marchers, for one time only.

No liberties of lord marcher shall be abridged.

XI. Provided alway, and be it enacted by the authority aforesaid, That this present act, or any thing therein contained, shall not extend ne take place to abridge, deprive, or minorate any liberties, privilege or authority of any lords marchers heretofore granted to the same lord, or lawfully used or accustomed by the said lord or any of his ancestors, unless the foresaid offenders happen to be indicted, outlawed, arraigned, convicted or attainted by force of this act, as is abovesaid, within two years next after such murder or other felonious offence perpetrated, done, or committed within the said lordships marchers, or any of them; any thing in this present act before rehearsed to the contrary notwithstanding.

Where felonies committed in Merioneth in Wales shall be enquired of, heard and determined. Repealed by 8 Ed. c. 20.

XII. And furthermore be it enacted by the authority aforesaid, That all murders, robberies, felonies and accessaries of the same, which shall happen hereafter to be done, perpetrated or committed, within the shire of Merioneth in Wales, shall and may be from henceforth enquired, heard and determined in the counties of Carnarvon or Anglesey, before the King's justice of North Wales, or his deputy for the time being, by verdict or inquest to be taken by the inhabitants of the same shires of Carnarvon or Anglesey, or otherwise, if by the discretion of the justice there, or his deputy, it shall be thought convenient: (2) and that the same justice, or his deputy for the time being, shall have full power and authority by his discretion, by force of this present act, to hear and determine all and every the aforesaid murders, felonies, robberies and accessaries, in form aforesaid.

XIII. And where heretofore upon divers murders, robberies and felonies perpetrated and done, as well within the lordships marchers of Wales, as in other places of Wales without the same lordships, the offenders divers times flee and escape from the same lordship or other place

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place where such offence was committed, and have repaired and re-sorted into another lordship marcher, and there by the aid, comfort and favour of the said lord of the same lordship, or his officer or officers, have been abiding and resiant, into the which lordships the same lords marchers have and do pretend a custom and privilege, that none of the King's ministers or subjects may enter to pursue, apprehend and attach any such offender thereunto repaired, as is aforesaid, by reason whereof the same offenders went unpunished, to the animation and encouraging of other evil-disposed people: (2) it is therefore enacted by the authority abovesaid, That every officer and officers, and their deputies, upon commandment given by the commissioners or council of the marches for the time being, shall bring, send or deliver every such offender to the officer of the lordship marcher, or other place, where any such offence is or shall be committed or done, upon the metes and bounds of the said lordships, or to the said commissioners or council, according as to the said officers by them shall be commanded under pain of xl.li. the said commandment or commission to be directed to any such officer, to be sent, conveyed and delivered by a serjeant at arms, or a pursuivant, attendant on the said council in the marches for the time being.

Where and to whom any offender taken in Wales shall be delivered.

C A P. VII.

The bill for the highways in the county of Suffex.

WHERE it is ordained and enacted by authority of this present parliament heretofore holden at London the fifteenth day of April in the fourteenth year of the King's most noble reign, and from thence adjourned to Westminster the last day of July the fifteenth year of his reign, and there holden; in consideration that many common ways in the Weld of Kent be so deep and noyous by wearing and course of water, and other occasions, that people cannot have their passages and carriages by horses upon or by the same, but to their great pains, perils and jeopardy; (2) that if any person or persons from that time, in any place within the said Weld of the said county, of his good mind and disposition, without any value of good by him or by them to be received for the same, will, for the common weal of the King's people, assign and lay out a more commodious way in and over the lands thereunto adjoining, whereof the person or persons, or other to his use, shall be seised of fee in estate of inheritance, that the same new way, so to be assigned and laid out, by oversight and assent of two justices of the peace of the said county, and twelve other discreet men within the same hundred inhabiting, where any such new way shall be limited and laid out, or inhabiting within the same hundred, and other hundreds to the said hundred next adjoining, shall be from thenceforth holden, occupied and used in like manner as the said old way there now is, or before hath been; (3) and that also the same person or persons so disposed, willing and accomplishing, shall and may, for the same new way, so assigned and used, receive and hold, in way of recompence for the same new way so to be given, the soil and ground of the old way in severalty to them their heirs and assigns,

Highways in Suffex shall be amended.
14 & 15 H. 8.
c.6.

Any person may lay out a new way in his own ground in the Weld of Kent by the consent of two justices of peace, &c. and keep several the old.